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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/062,837	01/31/2002	Keith R. Berding	K35A1043	4317
35219	7590	07/19/2004	EXAMINER	
WESTERN DIGITAL TECHNOLOGIES, INC. 20511 LAKE FOREST DR. -C205 LAKE FOREST, CA 92630			WATKO, JULIE ANNE	
			ART UNIT	PAPER NUMBER
			2652	6
DATE MAILED: 07/19/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/062,837	BERDING ET AL.	
	Examiner	Art Unit	
	Julie Anne Watko	2652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 June 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1-4,6-11,13 and 14 is/are allowed.
- 6) Claim(s) 5 12 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 31 January 2002 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 5 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites the limitation “the locking spring arm remains disengaged from the hub when the current applied to the stator coil is turned off” in lines 2-3. Independent claim 1 recites the limitation “the locking spring arm engages the hub when no current is applied to the stator coil” in lines 8-9. The limitation “disengaged” in claim 5 is inconsistent with claim 1, from which claim 5 depends. When current applied to the stator coil is turned off, it is clear that no current is applied to the stator coil. It is unclear in what sense the locking spring arm simultaneously engages and remains disengaged from the hub.

Claim 12 recites the limitation “the locking spring arm remains disengaged from the hub when the current applied to the stator coil is turned off” in lines 2-3. Independent claim 8 recites the limitation “the locking spring arm engages the hub when no current is applied to the stator coil” in lines 6-7. When current applied to the stator coil is turned off, it is clear that no current is applied to the stator coil. It is unclear in what sense the locking spring arm simultaneously engages and remains disengaged from the hub.

Allowable Subject Matter

3. Claims 1-4, 6-11 and 13-14 are allowed.

4. Claims 5 and 12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
5. See reasons for indicating allowable subject matter stated in paper no. 4, mailed March 3, 2004.

Response to Arguments

6. Applicant's arguments filed June 16, 2004, have been fully considered but they are not persuasive.

On page 5, 2nd to last paragraph, Applicant refers to "page 5, lines 3-5 of the specification in conjunction with Fig. 2C for support. There, an alternative embodiment is disclosed and claimed in claims 5 and 12, respectively, in which a portion, such as material 30, of a locking spring arm is non-elastic, so that the locking spring arm, such as the locking spring arm 18, remains disengaged from the hub, such as hub 16, when the current applied to the stator coil, such as stator coil 12A, is turned off. Therefore, it is respectfully submitted that the alleged inconsistency does not exist and that claims 5 and 12 comply with the requirements of 35 USC 112, second paragraph."

The Examiner has considered this argument thoroughly and agrees that on page 5, lines 3-5, the specification discloses (emphasis added) "an alternative embodiment" in which "locking spring arm 18 remains **disengaged** from the hub 16 when the current applied to the stator coil 12A is turned off." Independent claim 1 recites the limitation "the locking spring arm **engages** the hub when no current is applied to the stator coil" in lines 8-9 (emphasis added). Independent claim 8 recites the limitation "the locking spring arm **engages** the hub when no current is applied

to the stator coil" in lines 6-7 (emphasis added). It is clear from the "engages" limitation that the independent claims are not readable on said alternative embodiment, which is disclosed as "disengaged" when stator coil current equals zero.

Claim 5 depends from claim 1; thus, claim 5 contains all the limitations of claim 1. Claim 1 requires engagement and claim 5 requires disengagement when stator coil current equals zero. Applicant has failed to explain how a locking spring arm can be simultaneously engaged and disengaged.

Claim 12 depends from claim 8; thus, claim 12 contains all the limitations of claim 8. Claim 8 requires engagement and claim 12 requires disengagement when stator coil current equals zero. Applicant has failed to explain how a locking spring arm can be simultaneously engaged and disengaged.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Anne Watko whose telephone number is (703) 305-7742. The examiner can normally be reached on Monday-Thursday, 9AM-5PM, Friday 9AM-7:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Julie Anne Watko
Primary Examiner
Art Unit 2652

July 16, 2004
JAW

